

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM B. BOWERS,
Petitioner,

v.

Case No. 02-CV-01034

DANIEL BERTRAND, Warden,
Oshkosh Correctional Institution,
Respondent.

DECISION AND ORDER

On December 31, 2003, I granted petitioner William Bowers' motion to stay the proceedings on his petition for a writ of habeas corpus in order to allow him to proceed in state court. On September 14, 2011, petitioner filed two new motions in this case: a motion to appoint counsel, and a motion to proceed in forma pauperis. However, there has not been a motion brought to lift the stay. Since the case has not been re-opened and it is not clear to me what the issues are following the state court proceedings, I am denying the motion to appoint counsel as premature. I am also denying the motion to proceed in forma pauperis because it is moot. Petitioner paid the \$5.00 statutory filing fee owed under 28 U.S.C. § 1914(a) when he originally filed this petition in 2002. Therefore, petitioner does not owe any money at this time.

THEREFORE, IT IS ORDERED that petitioner's motion to appoint counsel is **DENIED** without prejudice.

IT IS FURTHER ORDERED that petitioner's motion to proceed in forma pauperis is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin this 11th day of October 2011.

s/_____
LYNN ADELMAN
District Judge